(4) (1)

SINGLE BENCH

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION [C] NO. 6209 **/2006**

PETITIONER :- Harikirtan Diwan, aged about 38 years, S/o Shri Dukal Das Diwan, Secretary,, Gram Panchayat- Sonpuri, Post Office- Mitthunawagaon, Tahsil Kota, District Bilaspur [C.G.]

VERSUS

RESPONDENTS :- 1] State of Chhattisgarh, Through- Secretary, Panchayat and Rural Development, D.K.S. Bhavan, Raipur [C.G.].

2] The Collector, District- Bilaspur [C.G.].

3] Joint Director, Panchayat and Social Welfare, Bilaspur [C.G.].

4] Chief Executive Officer, Janpad Panchayat- Kota, District- Bilaspur [C.G.].

P.R. No. 6261/06
Presented by Shri A.K. Shar...
dated 10-11-06

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WRIT PETITION UNDER ARTICLE 226/~~227~~ OF THE CONSTITUTION OF INDIA

(24)

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (C) No. 6209 of 2006

Petitioner : Hari Kirtan Diwan

Versus

Respondents : State of Chhattisgarh & others

Single Bench: Hon'ble Mr. Justice **Satish K. Agnihotri.**

Present : Shri Ashok Swarnakar, counsel for the Petitioner.
Shri N.K. Agrawal, Deputy Advocate General with
Shri Arun Sao, Govt. Advocate for respondents No. 1 to 4/State.

ORDER

(Passed on 14th November, 2006)

1. The petitioner, being a Secretary of the Gram Panchayat Sonpuri, under Janpad Panchayat Kota, District- Bilaspur has filed the present writ petition seeking a direction to the Collector to implement the Section 36 (o) of the Chhattisgarh Panchayat Raj (Sanshodhan) Adhiniyam, 2004.

2. Clause (o) of sub-section (1) of Section 36 provides that no person shall be eligible to be an office-bearer of Panchayat who - 'even after 1 year of being elected, does not have pour flush latrine in his residential premise'.

3. The petitioner is seeking a direction to the respondents to invoke the provisions of clause (o) of sub-section (1) of

Section 36 of the Panchayat Raj Avam Gram Swaraj Adhiniyam, 1993 against the office bearer of the Gram Panchayat- Sonpuri.

4. Learned counsel for the petitioner submits that a general body meeting of the Gram Panchayat was held on 3.9.2005 and the resolution was passed for implementation of amendment clause (o), aforesaid. When even after lapse of more than one year the concerned office bearers of the Gram Panchayat did not adhere to the aforesaid provision of clause (o), the petitioner wrote a letter dated 17.4.2006 (Annexure P/2) to the Joint Director, Panchayat & Social Welfare, Bilaspur and the Collector, Bilaspur for taking action on the office bearers of the Panchayat, but no action has been taken till date.

5. After hearing learned counsel for both the parties, I have perused the relevant papers and provisions of the Act 1993. Section 36 (3) of the Panchayat Raj Avam Gram Swaraj Adhiniyam, 1993 clearly provides for making an application to the Collector for redressal of grievances and sub section (4) provides that any person aggrieved by the decision of Collector or Commissioner, as the case may be, under sub-section (3), may, within a period of 30 days from the date of

such decision, appeal to Commissioner or Board of Revenue respectively whose orders in such appeal shall be final.

6. The petitioner has completely ignored the statutory provisions and has filed this petition without availing the alternative remedy.

7. In view of the above, I am of the opinion that this petition is vague, frivolous and tantamount to abuse of judicial process. Thus, this writ petition is dismissed, being devoid of factual ground, with cost to be quantified Rs. 500/-.

Sd/-
Satish K.Agnihotri
Judge

Subhash